

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

UNITED STATES OF AMERICA

VERSUS

CRIMINAL ACTION NO. 2:06CR57

HULBERT LEE HOWELL, JR.

ORDER

This cause is before the Court on defendant Howell's Motion for Continuance of Trial [20]. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

That this case is currently set for trial on June 5, 2006. Counsel avers in the motion that he entered an appearance in this case very recently. Furthermore, although counsel has issued a discovery request, he has not yet received responsive information from the government. Accordingly, the defendant's attorney is without adequate information to prepare a defense to the pending charges. The government does not oppose the defendant's request.

These circumstances enable the Court to exclude, pursuant to 18 U.S.C. § 3161(h)(8)(A), the period of delay from June 5, 2006 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because a continuance is necessary to permit Howell's attorney sufficient time to conduct discovery and to prepare for trial. Therefore, the Court finds that the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS, THEREFORE, ORDERED AND ADJUDGED that

1. The defendant's Motion for Continuance [20] is GRANTED;
2. That the trial of this matter is continued as to all defendants until Monday, July 24, 2006 at 9:00 a.m. in the United States District Courthouse in Greenville, Mississippi;
3. That the delay from June 5, 2006 until July 24, 2006 is excluded as set out above;
4. That the deadline for filing pretrial motions is July 3, 2006;
5. That the deadline for submitting a plea agreement is July 10, 2006.

SO ORDERED, this the 25th day of April, 2006.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE